

March 11, 2014

Via email and regular mail
Thomas Nash, ORC (C-14J)
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: South Dayton Dump and Landfill Site, Moraine, Ohio (Site)

Dear Mr. Nash:

I am writing on behalf of Hobart Corporation, NCR Corporation and Kelsey-Hayes Company (collectively Respondents).

By letter dated August 20, 2013, I wrote to you regarding certain response activities EPA has requested that the Respondents perform purportedly under the Administrative Settlement Agreement and Order on Consent for RI/FS, Docket Number V-W '06-C-852 (ASAOC for RI/FS or ASAOC). The requested response activities include the installation, development and sampling of permanent groundwater wells around the perimeter of the Site.

The Respondents explained in the August 20 Letter that the performance of these activities in conjunction with investigation of the presumptive remedy area would be contrary to the agreed and expressly-stated purpose of the ASAOC, as confirmed in a 2010 Dispute Resolution Agreement between the Respondents and Region 5. Respondents noted their concern that any Record of Decision based upon the resulting RI/FS that relies upon these activities would be potentially subject to challenge by other PRPs or the public as inconsistent with the National Contingency Plan.

Respondents therefore requested in the August 20 Letter that:

Region 5 and Respondents forthwith enter into a new ASAOC for RI/FS, the purpose and scope of which addresses the activities requested as well as other work included in Region 5's 'change of direction'. Additionally, Respondents request that the new ASAOC for RI/FS clarify the scope of the imprecise terms "Operable Unit One" and "Operable Unit Two", terminology that Region 5 began using at the Site in 2008, but which does not appear anywhere in the current ASAOC or attached Statement of Work.

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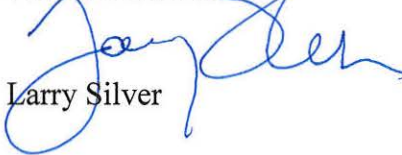
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You and I have discussed this matter on a few occasions, but Respondents have not yet received a response to our request for a new ASAOC. We request your further consideration and the opportunity to discuss the new ASAOC. The Respondents have instructed their project manager at Conestoga-Rovers & Associates (CRA) that completion of the field work beyond Phase 1B as contemplated in the Revised Schedule submitted by CRA to Leslie Patterson by letter dated February 26, 2014 is contingent upon the successful resolution of this issue.

I look forward to your response.

Best regards,
**LANGSAM STEVENS SILVER &
HOLLAENDER LLP**


Larry Silver

cc: Larry Kyte (C-14J)
Marcy Toney (C-14J)
Leslie Patterson (SR-6J)